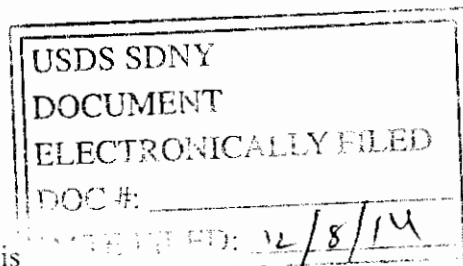


MEMO ENDORSED

December 5, 2014



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**BY ECF**

The Honorable James C. Francis  
United States Magistrate Judge  
United States Courthouse  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Nunez, et al., v. City of New York, et al.*, 11 Civ. 5845 (LTS) (JCF)

Dear Judge Francis:

This office, together with The Legal Aid Society Prisoners' Rights Project and Emery Celli Brinckerhoff & Abady, is counsel for the Plaintiff Class in this matter. Emery Celli Brinckerhoff & Abady, together with The Legal Aid Society Prisoners' Rights Project, also are counsel for the Plaintiffs in their individual damages claims. We write, jointly with counsel for The City of New York ("City"), as per the October 31, 2014 joint letter to the Court, to update the Court on settlement discussions with respect to the claims of the Plaintiff Class in this action.

Since October 31, 2014, the parties have held settlement meetings and they have discussed proposed settlement agreement language covering a number of key areas, including with respect to the draft Use of Force Policy provided by the City on November 24, 2014. Plaintiffs will provide written responses to the City's proposed settlement language and a response to its draft Use of Force Policy. The parties have agreed to meet between now and December 22 for further settlement discussions, and hopefully by that date to reach agreement on the text of a Use of Force Policy and other settlement agreement provisions.

\* \* \* \* \*

In light of these developments, Plaintiffs and the City respectfully jointly request a continued stay, through the current December 22, 2014 expiration date, of Court-ordered class-related deadlines, at which time the parties will update the Court on the status of settlement negotiations. 11

We appreciate the Court's consideration.

The Honorable James C. Francis

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December 5, 2014

Respectfully yours,

EMERY CELLI BRINCKERHOFF  
& ABADY  
Jonathan Abady  
Debra L. Greenberger

THE LEGAL AID SOCIETY  
Jonathan S. Chasan  
Mary Lynne Werlwas  
*Counsel for Plaintiffs Mark Nunez, Rodney  
Brye, Shameik Smallwood, Oscar Sanders,  
Travis Woods, Ralph Nunez, Keith Bacote,  
Jose DeGros, Christopher Graham, Sonny  
Ortiz, Clifford Sewell, and Leslie Pickering*

cc: All counsel (by ECF)

*William I. Sussman*  
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William I. Sussman  
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Anna E. Friedberg  
*Counsel for Plaintiffs Rodney Brye,  
Shameik Smallwood, Travis Woods, and  
Oscar Sanders in their capacities as Class  
representatives*

12/8/14  
Application granted.  
SO ORDERED  
James C. Francis IV  
VSMJ